DISCUSSION POINTS CONCERNING LABORATORIES MARIJUANA TESTING
February 24, 2014

The following points identify key issues related to the testing of marijuana. Testing marijuana and letting consumers know its contents, in a standardized manner, is an important aspect of Nevada's Medical Marijuana Establishments Program. The provisions related to labs and testing are designed to ensure patients fully understand the products they are purchasing. Additionally, the regulations are intended to test marijuana after it is harvested and after it is altered in a production environment. This is a new industry for testing. We are starting where we believe it provides the best benefit for patients. In other states where medical marijuana is allowed, establishments may or may not send their marijuana out for testing. Some establishments may even conduct their own in-house testing. The difference in Nevada is that we will require the lab results to be reported to the consumer whether the consumer is a cardholder/caregiver, a dispensary or a production establishment. An establishment may choose to test its marijuana in-house, but those results may not be made available to a consumer. Only the results of the independent lab may be made available. Additionally, those results may not be used to dispute the results of an independent lab.

Section 116:

The laboratory and testing requirements begin at Section 116. This section specifies the requirements for a scientific director who is ultimately responsible for the lab operations. The requirements of subsection 2 of this section should be verifiable at all times for purposes of an inspection.

Section 118:

Among the requirements in this section, subsection 1 is an allowance for a lab to request additional sample material in excess of the amounts listed in the table in subsection 2. An establishment should feel free to contact the Division if it feels there is abuse of these provisions.

The table in subsection 2 specifies the tests required for the product type. It also specifies the sample sizes needed to conduct the tests.

Section 119:

This section reflects the requirements for independence between labs and the other establishments.

Section 120:

Subsection 1 of this section specifies that before packaging raw marijuana for sale, a cultivation facility shall segregate all harvested marijuana into homogenized batches and select a random sample from each batch for testing by an independent testing laboratory. The lab is responsible for collecting the samples unless the lab agrees that a cultivation

facility representative may collect the sample. The key to this subsection is that the lab is responsible for ensuring the sample is representative.

Subsection 2 specifies the items for which the marijuana must be tested. The testing will be guided by recommendations of the Independent Laboratory Advisory Committee. The Division will staff the committee, review the recommendations of the committee, and as it accepts recommendations for testing, will specify the required tests in a policy manual that must be followed by the laboratories. Recommendations considered by the committee will be discussed and considered in open, public meetings that will be held in accordance with Nevada's Open Meeting Law.

Subsection 3 specifies that while the marijuana is being tested, it must be segregated, and it may not be sold before the test results are received. There is no time limit specified for when a lab must produce results. Although not required by the regulations, labs should be clear about how long it will take them to process the required tests. The goal is quality testing to ensure patients understand what is in the products they are buying. If an establishment believes a lab is not processing tests in good faith, the establishment should contact the Division.

Subsection 4 requires a lab to return or dispose of any marijuana upon the completion of any testing, use or research. A lab must work with an establishment if it intends to keep the marijuana for other use (i.e., proficiency testing) or research. The end goal is always that the work of the lab helps develop better information for patients and the industry, not that it benefit itself in a private capacity. Research is permitted under current state law, but it must be done by the University of Nevada School of Medicine (NRS 453A.600).

Subsection 5 guides what happens if a sample of marijuana does not pass the required tests. One exception is allowed if a product fails a test as identified in Section 127.

Subsections 6 through 9 specify the allowable levels of microbials, mycotoxins, heavy metals and pesticides. Subsection 7 will be amended to reflect that Aflatoxin B1, B2, G1 and G2 be less than 20 uG/KG of substance. Also, in subsection 9, the Independent Laboratory Advisory Committee will establish the allowable list of pesticides, and those pesticides cannot exceed the amount specified in Subpart C of 40 C.F.R. Part 180.

Subsection 11 requires the lab to file with the Division an electronic copy of each lab test result that does not pass the required tests at the same time it transmits the results to the establishment. Labs must also retain the lab results.

Section 121:

This section allows the Division to work with labs to ensure the labs are getting consistent test results.

Section 122:

This section specifies the requirements for internal lab policies.

Section 123:

This section allows for accreditation for labs, does not require accreditation, and specifies that accreditation inspections are not a substitute for inspections by the Division. The Division must also approve the accrediting organization before the lab may make the claim of accreditation.

Section 124:

Section 124 establishes the Independent Laboratory Advisory Committee.

Section 125:

Section 125 is applicable to inspections by the Division and checks and balances to ensure that the products that were tested are the products being sold. If this option is used, the establishment must pay for the cost of testing.

Section 127:

Subsection 1 of this section allows marijuana that fails a quality assurance test to be used to make a CO_2 or solvent-based extract; however, the resulting extract must pass all required quality assurance tests.

Subsection 2 allows an establishment to ask the Division to authorize a retest.

Technical Amendments:

- Subsection 7 of Section 120 will be revised to reflect that the total amount of the four types of Aflatoxin must be less than 20 uG/KG of substance.

Test	Specification
The total of aflatoxin B1, aflatoxin B2, aflatoxin G1 and aflatoxin G2	*<20 uG/KG of Substance*